

COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

Tentative Notice of Action

MEETING DATE April 1, 2005 EFFECTIVE DATE April 16, 2005 CONTACT/PHONE Kami Griffin 781-5193

APPLICANT
Mesa Vista
Townhomes LLC

FILE NO. DRC2004-00179

SUBJECT

Request by Mesa Vista Townhomes, LLC (Pruit) for a Minor Use Permit to allow a 20 unit apartment complex totaling 21,362 square feet of floor area. The project is proposed for a 1.14 acre undeveloped parcel. The proposed project is within the Residential Multi-Family land use category and is located at 557 Grande Ave in the community of Nipomo. The site is in the South County (inland) planning area.

RECOMMENDED ACTION

- 1. Consider and rely on the Negative Declaration that was previously adopted on August 10, 2001.
- Approve Minor Use Permit DRC 2004-00179 based on the findings listed in Exhibit A and the conditions listed in Exhibit B

ENVIRONMENTAL DETERMINATION

The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.

LAND USE CATEGORY Residential Multi-Family		SUPERVISOR DISTRICT(S)
		"

PLANNING AREA STANDARDS:

22.112.080A2, A4 - Parkway required, Drainage plan required, 22.112.080G - 20 units/acre, Minor Use Permit required, site planning criteria

Does the project meet applicable Planning Area Standards: Yes - see discussion

LAND USE ORDINANCE STANDARDS:

22.10.080 - Fencing and Screening, 22.10.090 - Height; 22.10.120 - Noise; 22.10.130 - Residential Density; 22.10.140 - Setbacks; Chapter 22.16 - Landscaping, Chapter 22.18 - Parking and Loading; Chapter 22.50 - Fire Safety; Chapter 22.52 - Grading and Drainage; 22.54 - Road Improvements

Does the project conform to the Land Use Ordinance Standards: Yes - see discussion

FINAL ACTION

This tentative decision will become final action on the project, effective on the 15th day following the administrative hearing, or on April 16, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.

Planning Department Hearing Minor Use Permit DRC2004-00179/Mesa Vista Townhomes, LLC Page 2

EXISTING USES: Vacant - construction		
SURROUNDING LAND USE CATEGO North: Multi Family South: Multi Family	RIES AND USES: East: Multi Family West: Multi Family	
OTHER AGENCY / ADVISORY GROU The project was originally re Community Services District	ferred to: Nipomo Community	y Advisory Committee, Public Works, Nipomo
TOPOGRAPHY: Level		VEGETATION: None
PROPOSED SERVICES: Water supply: Community sy Sewage Disposal: Commun Fire Protection: CDF / Coun	ty sewage disposal system	ACCEPTANCE DATE: February 25, 2005

DISCUSSION

PROJECT HISTORY

This project was originally approved on September 7, 2001 as Minor use Permit D000155P. That Minor Use Permit was valid until September 7, 2003. A companion project was approved on the neighboring property and was built and finalled (D000156). The applicant had mistakenly thought that the completion of that companion project vested this project. This incorrect assumption lead to the original land use approval expiring.

Construction Permits have been submitted for the current project and these permits are still valid. This Minor Use Permit only acts to provide the land use approval for the project since that land use permit approval expired. There are no proposed changes to the project.

PLANNING AREA STANDARDS:

Project conditions of approval are proposed to assure compliance with the following planning area standards:

Right-of-way requirements for residential categories. On all streets outside the central business district, an offer of dedication shall be made for parcels adjacent to public streets at the time of subdivision or new development, for a minimum 8-foot parkway between the curb and sidewalk. Landscaping improvements shall be provided and include a minimum of one street tree per 50 feet frontage and lawn or low-maintenance plants.

Nipomo lowland areas - Drainage plan requirement. All land use permit applications for new structures shall require drainage plan approval in compliance with Chapter 22.52 (Grading and Drainage).

Density - 20 unit/acre except that the minimum open area shall include required setbacks and all areas of the site except buildings, parking aisles or driveways and parking spaces.

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Permit requirement. Minor Use Permit approval is required before any subdivision, lot line adjustment or development of five or more multi-family units.

Site planning criteria. Site design shall provide a varied distribution of buildings, separated by usable private and common open spaces and parking areas. Vary the edges of buildings to avoid creating long straight sides.

- **a. Private outdoor space.** Private outdoor space shall be provided with at least a 15- foot depth and width for ground floor units, and six-foot depth and 15-foot width for upstairs units.
- **b. Active recreation area.** Common area open space shall include at least one usable, active recreation area with the following area and features for every number of dwelling units listed

LAND USE ORDINANCE STANDARDS:

22.10.080 - Fencing and Screening - fencing is required around any drainage basins, as well as the interior property lines

22.10.090 - Height - height limit is 35 feet (proposed 25 feet)

22.10.120 - Noise - 60dB inside, 70dB outside (see conditions)

22.10.130 - Residential Density - 48% max floor area (28,880 sq ft allowed - 21,362 sq ft proposed) - 45% min open area (22,368 square feet required - 35,757 square feet proposed)

22.10.140 - Setbacks - 25 foot front, 10 foot rear, 5 foot side, 10 foot street side

Chapter 22.16 - Landscaping - water efficient landscaping required

Chapter 22.18 - Parking and Loading - 35 spaces required - 19 garage spaces, 17 open spaces 36 proposed spaces

Chapter 22.50 - Fire Safety - Improvements completed before final

Chapter 22.52 - Grading and Drainage - Drainage Plan required

Chapter 22.54 - Road Improvements - Curb, Gutter and Sidewalk required

STAFF COMMENTS:

Construction Permits have been submitted for the current project and these permits are still valid. This Minor Use Permit only acts to provide the land use approval for the project since that land use permit approval expired. There are no proposed changes to the project.

COMMUNITY ADVISORY GROUP COMMENTS: From original referrals - No Comments

AGENCY REVIEW: From original referrals Public Works- Road Improvement necessary Environmental Health - NCSD service CDF - Fire Safety Plan

Nipomo Community Services District - Water and Sewer service available

APCD - Standard construction mitigations

LEGAL LOT STATUS: (always include)

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Kami Griffin and reviewed by Warren Hoaq

EXHIBIT A - FINDINGS

Environmental Determination

A. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies/does not satisfy all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the apartment project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the apartment project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Avenida de Amigos, a local road constructed to a level able to handle any additional traffic associated with the project

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

- 1. This approval authorizes:
 - a. The construction of a 20 unit apartment complex totaling approximately 21,500 square feet that complies with the planning area and ordinance standards as follows:
 - i. Private outdoor space with at least a 15- foot depth and width for ground floor units, and six-foot depth and 15-foot width for upstairs units.
 - ii. A common area open space of at least 1,250 square feet that is an active recreation area that includes at least five "picnic" type tables, a shade structure, and playground equipment. This area cannot double as a storm water retention basin.
 - iii. Fencing around drainage basin(s) if necessary
 - iv. Fencing on all interior property lines (including a 6-foot wooden fence along the eastern boundary to ensure that exterior noise levels remain under 60 dB.
 - v. Maximum height is 35 feet from average natural grade.
 - vi. 48% maximum floor area (28,880 sq ft allowed 21,362 sq ft proposed) 45% minimum open area (22,368 square feet required 35,757square feet proposed)
 - vii. Setbacks 25 foot front, 10 foot rear, 5 foot side, 10 foot street side
 - viii. 35 spaces required

Conditions required to be completed at the time of application for construction permits

Site Development

- 2. At the time of application for construction permits, submit a revised site plan, architectural elevations to detail exterior finish materials, colors, and height above finish grade on all sides of proposed buildings and landscape plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Location of at least 10 bicycle racks
 - b. Five "picnic" type tables, shade structure, playground equipment
 - c. Design each structure to resemble a single family dwelling

- d. Provide front porches for all ground floor units fronting public streets or internal access ways Extend walkways from the front porch to the sidewalk adjacent to the fronting street
- e. Provide balconies for all second story units
- f. Building walls shall be inset or notched at least every thirty feet
- g. Color board and materials list for review and approval. Suitable materials are wood or wood appearing materials, stone and brick
- h. Location, material and height of all proposed fences
- i. Provide sufficient trees so that within ten years, 60 percent of the surface area of the parking lot is shaded
- j. Landscaping of the drainage basin(s) (if basin necessary)
- k. A minimum 8-foot parkway between the curb and sidewalk adjacent to the fronting street(s) landscaped with a minimum of one street tree per 50 feet of frontage and lawn or low-maintenance plants
- I. Trash and recycling areas consistent with Section 22.10.150
- m. Utilities located underground
- 3. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. At the time of application for construction permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Services

5. **At the time of application for construction permits,** the applicant shall provide a letter from Nipomo Community services District stating they are willing and able to service the property.

Road Improvement

- 6. The applicant offer for dedication to the public the necessary right-of-way to accommodate all public improvements including space for a minimum 8-foot parkway between the curb and sidewalk.
- 7. Roads and/or streets to be constructed to the following standards:
 - a. Fronting street(s) constructed to an A-2 urban section
 - b. Minimum 8-foot parking between the curb and sidewalk
- 8. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Grading and erosion control plan for subdivision related improvement locations.
 - d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - e. 8-foot parkway between the curb and sidewalk
- 9. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
- 10. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
- 11. An encroachment permit shall be obtained from the Department of Public Works for all improvements within the County maintained right-of-way.

Drainage

- **12. Prior to issuance of a construction permit,** the applicant shall submit to the County Department of Public Works a Drainage Plan prepared by a qualified individual that shows the following:
 - a. The effects of the project's projected runoff on adjacent properties nod existing drainage facilities and systems
 - b. Estimates of existing and increased runoff from proposed improvements
 - c. Drainage must be detained in a drainage basin on the property. The design of the basin shall be approved by the Department of Public Works, in accordance with County Standards.

Conditions to be completed prior to issuance of a construction permit

Fees

- 13. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
- 14. **Prior to issuance of a construction permit**, the applicant shall contribute the sum of \$3,200 to the San Luis Obispo Regional Transit Authority to offset the cost of constructing a transit stop in the South County area.

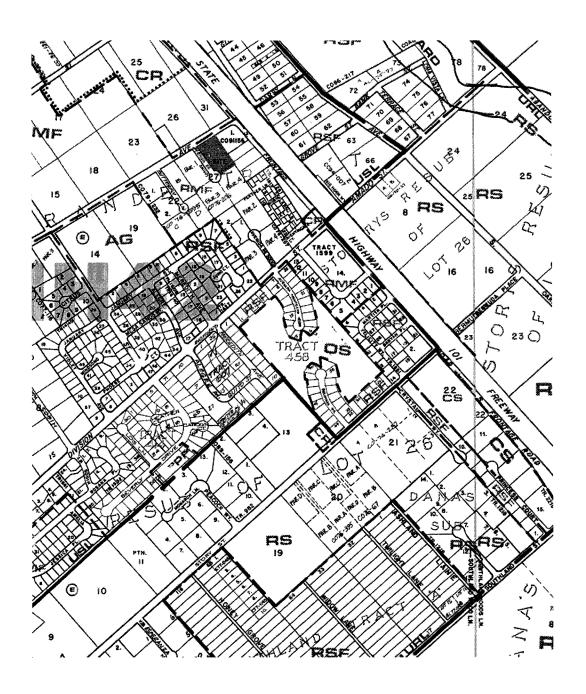
<u>Conditions to be completed prior to occupancy or final building inspection</u>/establishment of the use

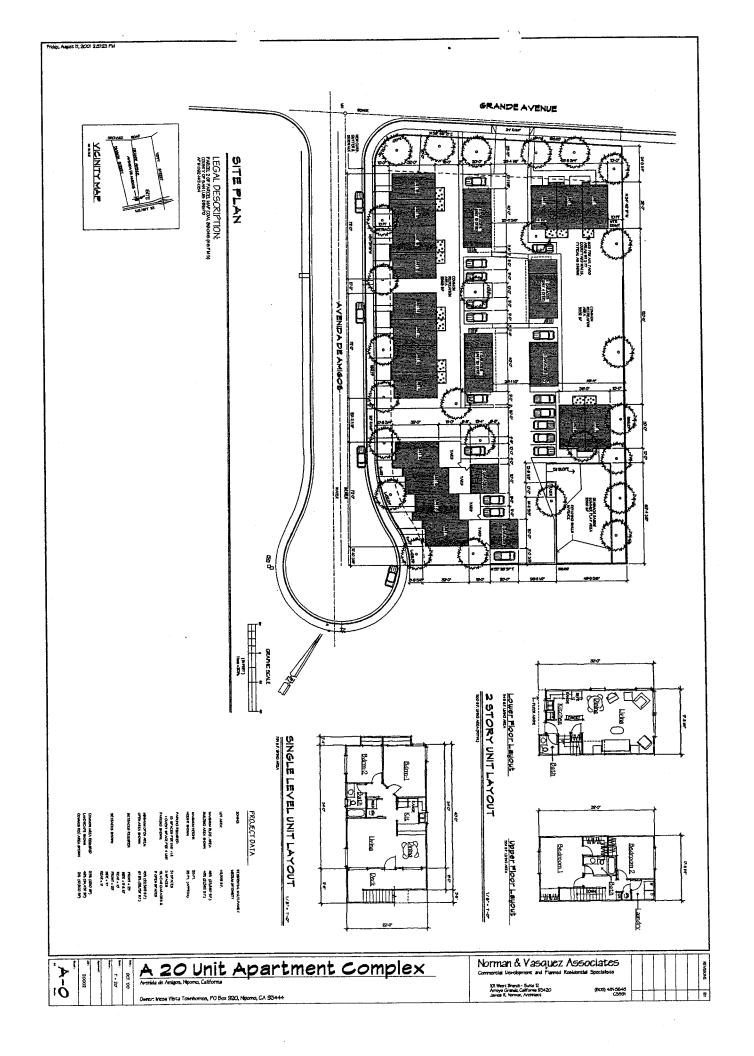
- 15. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
- 16. **Prior to occupancy or final inspection**, the qualified individual shall verify that the recommendations of the Drainage Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval. If required by Public Works, the applicant shall execute a plan check and inspection agreement with the County, so the drainage facilities can be inspected and approved before a certificate of occupancy is issued.
- 17. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
- 18. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
- 19. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - a. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

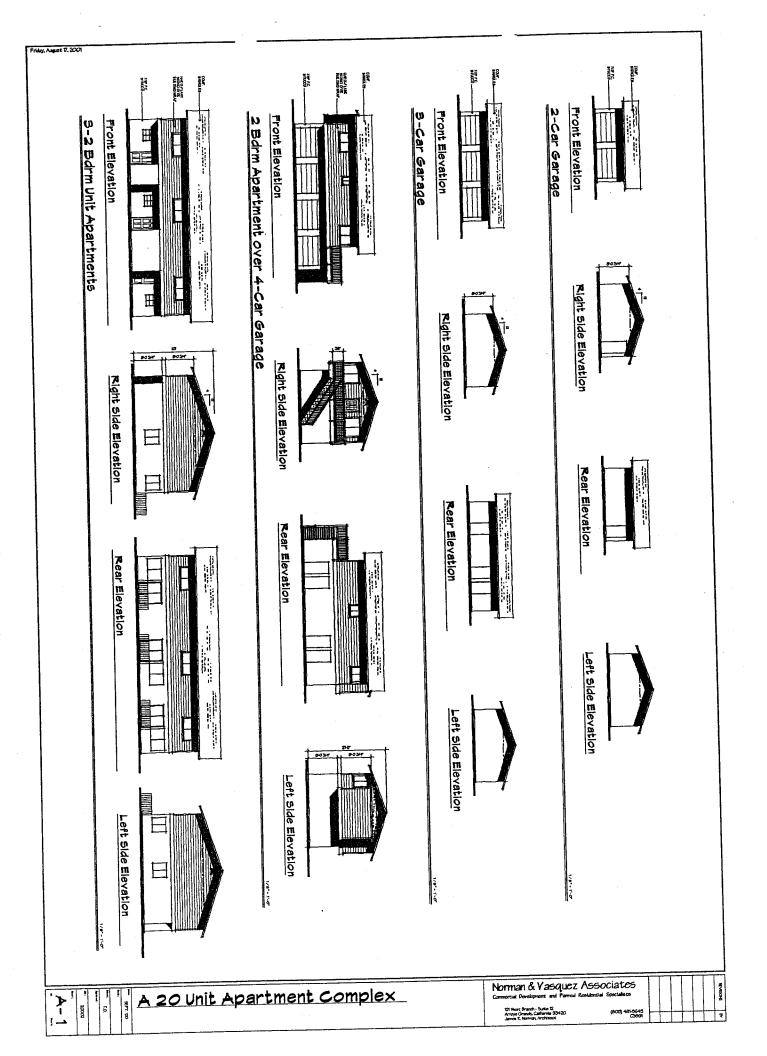
Planning Department Hearing Minor Use Permit DRC2004-00179/Mesa Vista Townhomes, LLC Page 9

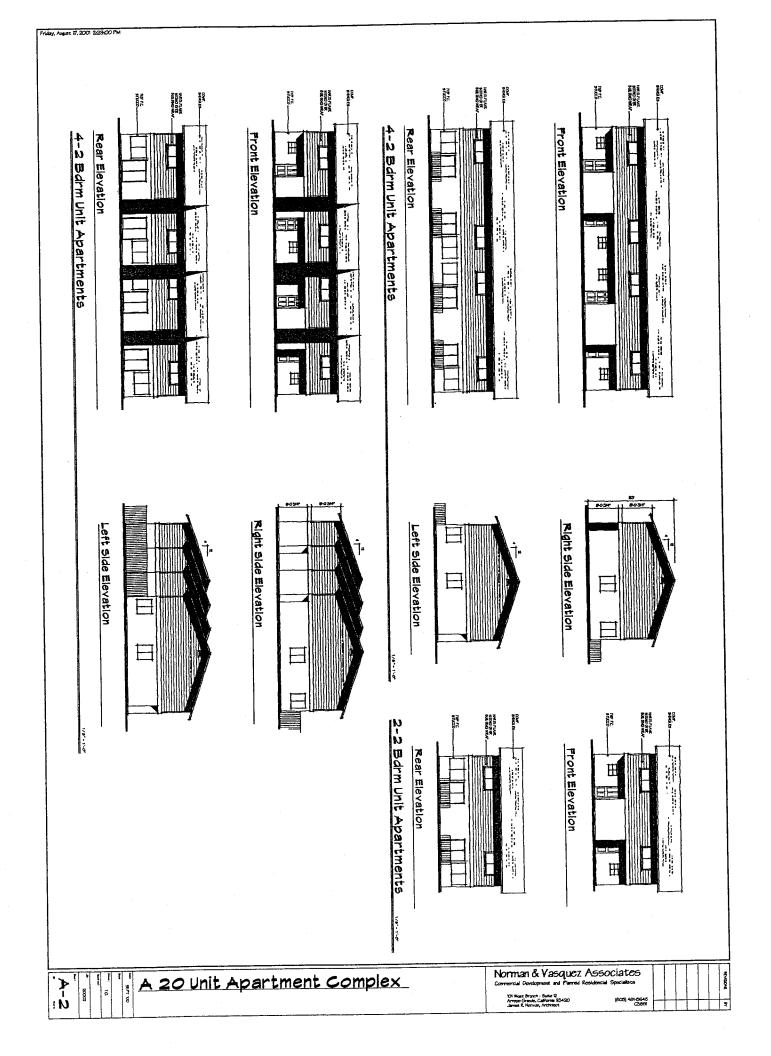
On-going conditions of approval (valid for the life of the project)

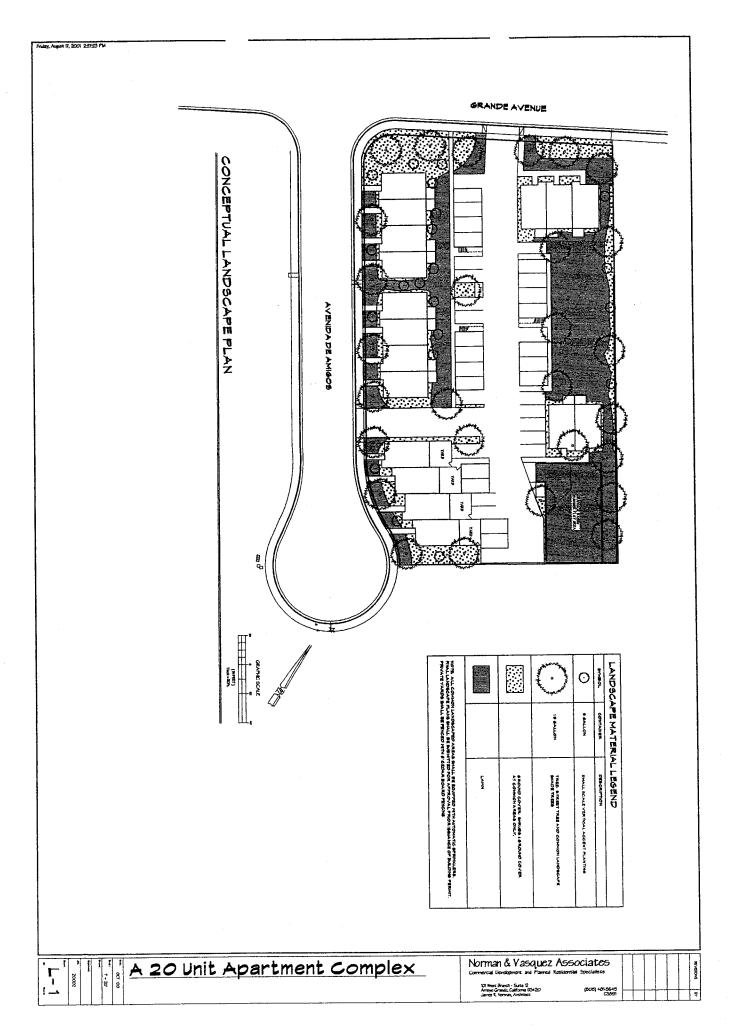
- 20. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
- 21. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.











For Official Use Only (CW)

COUNTY OF SAN LUIS OBISPO NOTICE OF DETERMINATION AND NEGATIVE DECLARATION

ENVIRONMENTAL DETERMINATION NO. ED00-666

DATE: <u>AUGUST 10, 2001</u>

PROJECT DESCRIPTION

APPLICANT/ENTITLEMENT: Pruit Minor Use Permit; D000155P

PLANNING AREA: South County, Nipomo

LAND USE CATEGORY: Residential Multi-Family

PARCEL SIZE: Approximately 1.14 acres

TOTAL AREA OF DISTURBANCE: Approximately 21,362 square feet LOCATION: Southeast corner of Avenida de Amigos and Grand Street

PROPOSED USES/INTENT: A request to grade for and construct a 20-unit apartment complex

APPLICANT: Norman Vasquez Associates; Arroyo Grande, CA

ENVIRONMENTAL SETTING

TOPOGRAPHY:

Nearly level

VEGETATION:

Grasses; forbs

SOIL TYPE:

Oceano sand

SOIL CHARACTERISTICS:

Well drained; low erodibility; low shrink-swell potential; may

present some limitations to the percolation of sewage effluent

due to poor filtration

GEOLOGIC HAZARDS:

Negligible landslide potential; low to moderate liquefaction

potential

FIRE HAZARD:

Moderate

WATER:

To be provided by Nipomo Community Services District To be provided by Nipomo Community Services District

SEWAGE DISPOSAL: EXISTING USES:

Undeveloped

SURROUNDING USES:

Single and multi-family residences; Highway 101; undeveloped

ADDITIONAL INFORMATION

Additional information pertaining to this environmental determination may be obtained by contacting the Department of Planning and Building - Environmental Division, County Government Center, Room 310, San Luis Obispo, CA 93408-2040, (805) 781-5600.

STATEMENT OF FINDINGS

The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Sections 21108, 21151 & 21167) is proposed.

ACTION TAKEN

On September 7, 2001, the San Luis Obispo County Board of Supervisors/Planning Commission/Staff, having considered the Environmental Coordinator's action, approved/denied this project.

A copy of the Negative Declaration is available for review from the San Luis Obispo County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040.

Date: July 27, 2001

California Department of Fish and Game CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

PROJECT	TITLE & NUN	MBER: Pruit Minor Use Permit; D000155P	
Projec	et Applicant		
	Name: Address: te, Zip Code: Felephone #:	Norman Vasquez Associates P.O. Box 193 Arroyo Grande, CA 93421 (805) 481-5645	
	-	N/LOCATION: See attached Notice of Determination	
	S OF EXEMPT		
There is no resources f	evidence before for one or more o	this agency that the proposed project has the potential for adverse effect on wildlife f the following reason(s):	
()		is located in an urbanized area that does not contain substantial fish or wildlife r their habitat.	
(X)	The project wildlife res	The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.	
()	The project wildlife hal	is of a limited size and scope and is not located in close proximity to significant bitat.	
()	The applica	able filing fees have/will be collected at the time of issuance of other County for this project. Reference Document Name and No	
()	Other:		
CERTIFI	CATION:		
stu	idy and the hearin	the lead agency has made the above findings of fact and that, based upon the initial agrecord, the project will not individually or cumulatively have an adverse effect on as defined in Section 711.2 of the Fish and Game Code. Ellen Carroll, Environmental Coordinator County of San Luis Obispo	

COUNTY OF SAN LUIS OBISPO INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Pruit Minor Use	Permit; D000155P
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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project. Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

<u>Initial Study Reference and Agency Contacts</u>: The following reference materials are used in the environmental review for each project and are hereby incorporated by reference into the Initial Study.

- Project File for the Subject Application
- County General Plan (Inland & Coastal, including all maps & elements)
- County Land Use Ordinance
- · Area of Critical Concerns Map
- Fire Hazard Severity Map
- Natural Species Diversity Database
- Areas of Special Biological Importance Map

- Archaeological Resources Map
- Natural Resources Conservation
 Service Soil Survey for San Luis
 Obispo County

Date: July 27, 2001

- Flood Hazard Maps
- Airport Land Use Plans
- Other special studies, reports and existing EIRs as appropriate

In addition to the above, the County Planning or Environmental Division have contacted responsible and trustee agencies for their comments on the proposed project. With respect to the subject application, the following agencies have been contacted (marked X)or have responded (marked with XX):

XX _County Engineering Department	CA Department of Fish and Game
County Environmental Health Division	CA Department of Forestry
County Planning Division	CA Department of Transportation
County Agricultural Commissioner's Office	Regional Water Quality Control Board
County Airport Manager	CA Coastal Commission
Airport Land Use Commission	XX Nipomo Community Service District
X Air Pollution Control District	X Nipomo Community Advisory Council
County Sheriff's Department	

<u>Checklist Identification of Mitigations for Potential Impacts</u>: The checklist provides the identification and summary of the project's potential environmental impacts. Where potential impacts require mitigation, the following list of mitigations explains how the identified potential environmental impacts can and will be avoided or substantially lessened:

- A. The project has been changed to avoid or substantially lessen environmental impacts. Where changes require explanation, the change(s) will be discussed in the Special Environmental Considerations section or attached material following the checklist.
- B. The project is subject to standards and requirements of the Land Use Element/Land Use Ordinance and/or other County ordinances that include provisions to avoid or substantially lessen environmental impacts. These provisions are requirements that must be incorporated into the project.
- C. The project is subject to state and/or federal regulations, laws and/or requirements that include provisions to avoid or substantially lessen environmental impacts. The project must incorporate the above provisions in order to be in compliance with Federal or State law.
- D. A special mitigation plan to avoid or lessen environmental impacts has been agreed to by the applicant. This will be noted on the checklist and, if necessary, discussed in an attachment to the checklist.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

		Potentially Significant Impact Impact Can & Will be Mitigated Insignificant Impact Not Applicable
I.	BIOLOGICAL RESOURCES	
	A. Wildlife	()()(X)()
	B. Vegetation	()()(X)()
	C. Habitat Area	()()(X)()
	D. Rare and/or Endangered Species	()()(X)()
	E. Unique or Fragile Biotic Community	()()(X)()
	F. State Area of Special Biological Importance	()()(X)()
	G. Riparian/Wetland Area	()()(X)()
	H. Other:	()()()()
	Mitigation: A() B() C() D() () See attached exhibits: () Developer's Statement; () Agency Response () Revised Plans; () Designated Bldg Sites () See Special Environmental Considerations	
	()See Document in file	
П.	DRAINAGE, EROSION AND SEDIMENTATION	
	*A. Increased Storm Water Runoff	()(X)()(
	B. Erodible Soils/Erosion	()()(X)()
	C. Poorly Drained Soils	()()(X)()
	D. Sedimentation	()()(X)()
	*E. Contributes to Existing Drainage Problem	()(X)()()
	F. Alters Existing Drainage Course or Waterway	()()(X)()
	G. Other:	()()()()
	Mitigation: A() B(X) [see LUO sec.22.05.032(CZLUO 23.05.032) 22.05.034(CZLUO	O 23.05.034)]; C() D(X)
	*(X)See attached exhibits: (X)Developer's Statement; ()Agency Response ()Sedimentation & Erosion Control/Drainage Plantage	
	*(X)See Special Environmental Considerations	
	*(X)See Document in file <u>Drainage Plan</u>	

		Potentially Significant Impact Impact Can & Will be Mitigated Insignificant Impact Not Applicable
m.	GEOLOGICAL HAZARDS/SITE ALTERATION	()()(X)()
	A. Landslide Hazard B. Seismic Hazard	()()(X)()
	B. Seismic Hazard C. Topographic Alteration; Grading for	()()()()
	Building(X) Driveways(X) Roads() Other	()()(X)()
	D. Soil Expansion	()()(X)()
	E. Steep Slopes	()()(X)
	F. Other:	()()()()
	Mitigation: A() B() C() D()	
	()See attached exhibits: ()Developer's Statement; ()Agency Response	signated Bldg Sites
IV.	WATER RESOURCES	
1	A. Groundwater Quantity	()()(X)()
	B. Groundwater Quality	()()(X)()
	C. Surface Water Quantity	()()(X)()
	D. Surface Water Quality	()()(X)()
	E. Stream Flow Change	()()(X)()
	F. Change to Estuarine Environment	()()()(X)
	G. Other:	()()()()
	Mitigation: A() B() C() D() () See attached exhibits: () Developer's Statement; () Agency Response () Hydrology Report () See Special Environmental Considerations () See Document in file	
T 7	DOLLUTION	
V.	POLLUTION A. Hazardous Materials	()()(X)()
	B. Groundwater Pollution	()()(X)()
	C. Surface Water Pollution	()()(X)()
	D. Increase in Existing Noise Levels	()()(X)()
	*E. Exposure of People to Severe Noise Levels	()(X)()()
	F. Substantial Air Emissions	()()()(X)
	G. Deterioration of Ambient Air Quality	()()(X)()
	H. Creation of Objectionable Odors	()()(X)()
	I. Other:	()()()()
	Mitigation: A() B() C() D(X)	
	*(X)See attached exhibits: (X)Developer's Statement; ()Agency Response ()Hydrology/Noise Study	
	*(X)See Special Environmental Considerations	
	*(X)See Document in file Noise Investigation, Donald Asquith, July 2, 2001	

			Potentially Significant Impact Impact Can & Will be Mitigated Insignificant Impact Not Applicable
			Poten Impa Insign
VI.	TRA	<u>FFIC</u>	
	A.	Increase in Vehicle Trips	()()(X)()
	В.	Reduced Levels of Service on Existing Public Roadways	()()(X)()
	C.	Limited or Unsafe Access	()()(X)()
	D.	Creates Unsafe Conditions on Public Roadways	()()(X)()
	E.	Areawide Traffic Circulation	() () (X) ()
	F.	Internal Traffic Circulation	() () (X) ()
	G.	Other:	()()()()
	Mitigation: A() B() see Co. Code Title 13.01.010060; Circulation Fee]; C() D() () See attached exhibits: () Developer's Statement; () Agency Response		
	()50	()Traffic Study	
	()\$6	ee Special Environmental Considerations	
	` '	be Document in file	
	()5(
VII.	PUB	LIC SERVICES	
	A.	Fire Protection Services	()()(X)()
	B.	Police/Sheriff Services	()()(X)()
•	C.	Schools	()()(X)()
	*D.	Community Wastewater	()()(X)()
	*E.	Community Water Supply	()()(X)()
	F.	Solid Waste Disposal	()()(X)()
	G.	Onsite Wastewater	()()(X)()
	Η.	Onsite Water	()()(X)()
	I.	Other:	()()()()
	Mitigation: A() B() (School Fee, County Wide Fee) C() D()		
		ee attached exhibits: ()Developer's Statement; ()Agency Response ee Special Environmental Considerations	
	` '	tee Document in file <u>Intent to Service Letter, Nipomo CSD</u>	
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VIII.	AES	THETIC/CULTURAL RESOURCES	
	A.	Visual Impact from Public Roadway	()()(X)()
	В.	Increased Light or Glare	()()(X)()
	C.	Alters Important Scenic Vista	()()()(X)
	*D.	Archaeological Resources	()()(X)()
	E.	Historic Resources	()()(X)()
	F.	Other:	()()()()
		gation: A() B() C() D(X)	
	*(X)S	ee attached exhibit(s): (X)Developer's Statement; ()Agency Respons	
	ቁ/ ፕፖኒባ	()Visual Analysis; ()Revised Plans; ()Landscape Plan;	()Designated Bidg Sites
		ee Special Environmental Considerations	
	()36	ee Document in file	

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		Potentially Significant Impact Impact Can & Will be Mitigated Insignificant Impact Not Applicable
IX.	HOUSING AND ENERGY A. Creates Substantial Demand for Housing	()()(X)()
	B. Uses Substantial Amount of Fuel or EnergyC. Encourages Growth Beyond Resource Capacities	()()(X)() ()()(X)()
	D. Other:	()()()()
	Mitigation: A() B() C() D()	
•	()See attached exhibit(s): ()Developer's Statement; ()Agency Response	
	()See Special Environmental Considerations ()See Document in file	
	()555 2 55333515 111 1115	
X.	AGRICULTURAL/MINERAL RESOURCES	
	A. Eliminates Valuable Mineral Resources B. Prime Agricultural Soils	()()(X)()
	B. Prime Agricultural SoilsC. Conflicts with Existing Agricultural Area	()()()(X) ()()(X)()
	D. Change from Agriculture to Other Uses	()()()(X)
	E. Other:	()()()()
	Mitigation: A() B() C() D()	
	()See attached exhibit(s): ()Developer's Statement; ()Agency Response	
	()See Special Environmental Considerations	
	()See Document in file	
XI.	GROWTH INDUCING/CUMULATIVE EFFECTS	
	A. Growth Inducing Effects	()()(X)()
	B. Precedent for Change in Area Land Use	()()(X)()
	C. Cumulative Effects: <u>Police/Sheriff</u>	()(X)()()
	Fire Protection	()(X)()()
	Schools	()(X)()()
	D. Other:	()()()()
	Mitigation: A() B(X) (School Fee, County Wide Fee) C() D() () See attached exhibits: () Developer's Statement; () Agency Response () See Special Environmental Considerations () See Document in file	
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SPECIAL ENVIRONMENTAL CONSIDERATIONS FOR THE PRUIT MINOR USE PERMIT; D000155P

Date: July 27, 2001

The applicant is requesting to construct a multi-family apartment complex consisting of 20 units, totaling 21,362 square feet of floor area. The project is proposed for a 1.14 acre undeveloped parcel in the Residential Multi-Family land use category. The proposed project includes construction of eight structures with multiple apartments, and four garage structures. The project is located at the southeast corner of Avenida de Amigos, and Grande Street in the community of Nipomo. The following is a detailed description of the project components:

Apartment Units

The proposed project consists of a total of 11 structures: two buildings with three apartment units and 1,728 square feet of floor area each, four buildings with four apartment units and 2,304 square feet of floor area each, two garage buildings with four stalls, and a single apartment unit above at 800 square feet of floor area each, two three stall garage buildings at 600 square feet of floor area, and two buildings with two garage stalls at 40 square feet of floor area each. All but the garages are two-story structures.

Outdoor Areas

Each apartment unit is allotted a 255-square foot yard area. The project also includes a 3,400 square foot drainage basin, which is proposed for use as a summer play area during dry months. In addition to the 18 garage parking spaces, the applicant has proposed to provide 18 additional uncovered parking spaces. Five of these spaces are intended for visitor use. The project provides of a total of 28,347 square feet of open area (57 percent of the site).

During the initial study process, several impacts were identified as having potentially significant environmental effects. It has been determined by the Environmental Coordinator that these issues can be mitigated and the applicant, where applicable, has agreed to mitigate each to a level of insignificance. The Environmental Consultant developed specific mitigation measures, and these measures have been incorporated into the project (please refer to attached Developer's Statement). The following is a brief discussion of the significant issues and how they were mitigated to a level of insignificance.

I. DRAINAGE

Increased Storm Water Runoff

The proposed project would result in an increase in the area of impervious surfaces on the project site (roof area, paved driveways and parking spaces). Furthermore, the project site slopes toward an existing housing development. In order to minimize the amount of runoff that leaves the site, and to accommodate the increase in storm water flow, the applicant has proposed to construct a 3,400-square foot drainage basin at the eastern corner of the site. The County Department of Public Works

has required that a drainage report be completed to address issues of on and off site water retention and states that implementation of the proposed drainage plan will mitigate potential drainage impacts associated with the proposed project to a level of insignificance. The design of the proposed drainage basin would be subject to the recommendations given in the required drainage report. This recommendation is reflected in the attached Developer's Statement.

II. <u>POLLUTION</u>

Noise

During the initial study process, the exposure of people to severe noise levels was identified as a potentially significant impact. The proposed project is located approximately 500 feet west of State Highway 101, making the highway the primary source of noise in the area. A noise investigation was prepared by Donald O. Asquith PhD on July 2, 2001. The investigation identified that the existing one and two-story developments that separate the proposed project from the highway act as noise barriers for the proposed project. The investigation further states that projected future noise levels at the proposed site are within he 60 dBA (Ldn) limit set forth by the County Noise Element. Normal construction techniques will also ensure that interior noise levels not exceed 45 dBA (Ldn) in interior spaces. The noise investigation recommends that a 6-foot wooden fence be constructed along the projects eastern boundary to ensure that exterior noise levels remain under 60 dBA (Ldn). This recommendation is reflected in the attached Developer's Statement and upon implementation potentially significant impacts will be mitigated to a level of less than significant.

III. TRAFFIC

The County Department of Public Works has not identified any significant traffic impacts associated with the proposed project. Per recommendation of Richard Marshall, County Public Works, June 21, a traffic study has not been required. The applicant will need to attain encroachment and curb, gutter and sidewalk permits where necessary.

IV. PUBLIC SERVICES

Community Water Supply

The Nipomo Community Services District has issued and intent-to-serve water service for the proposed project dated November 16, 2000. For this reason, the proposed project will not present a significant impact to community water supply.

IV. ARCHAEOLOGICAL RESOURCES

A Phase I archaeological survey was performed in October 1989 by W.B. Sawyer. The area of the proposed development was inspected for evidence of cultural or historic materials; however, the survey results were negative. No cultural or historic resources were found during the survey. The archaeologist anticipates no significant impacts, however, mitigations involving the discovery of artifacts and or remains during the construction phase of the project have been included in the attached Developer's Statement.

Date: July 27, 2001

Based on the above discussion, the potential on-site, off-site, and cumulative impacts associated with the request are not considered significant. Therefore, a Negative Declaration is appropriate under the California Environmental Quality Act.

AUG 2 2000

Environmental Determination No. 00-666

Date: July 27, 2001

DEVELOPER'S STATEMENT FOR THE PRUIT MINOR USE PERMIT; D000155P

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note:

The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

I. DRAINAGE

Prior to issuance of a building permit, the applicant shall submit to the County Department
of Public Works a Drainage Plan prepared by a qualified individual that evaluates: 1) the
effects of the project's projected runoff on adjacent properties and existing drainage facilities
and systems; and 2) estimates of existing and increased runoff from proposed improvements.

Monitoring: Compliance will be verified through review and approval of the submitted Distinge Plan by the Department of Public Works.

2. Prior to final inspection, the qualified individual shall verify that the recommendations of the Drainage Plan have been incorporated into the final design and construction. This verification shall be submitted in writing to the Department of Planning and Building for review and approval. If required by the County Engineer, the applicant shall execute a plan check and inspection agreement with the County, so the drainage facilities can be inspected and approved before a certificate of occupancy is issued.

Monitoring: Compliance will be verified through review and approval of the submitted letter by the Department of Public Works.

II. POLLUTION

<u>Noise</u>

3. Prior to final inspection, the applicant shall construct a 6-foot fence (to be constructed of any impervious material such as wood or block) along the easterly perimeter of the site.

Monitoring: Compliance will be verified by the Department of Planning and
Building at the time of final inspection.

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Environmental Determination No. 00-666

Date: July 27, 2001

IV. ARCHAEOLOGICAL RESOURCES

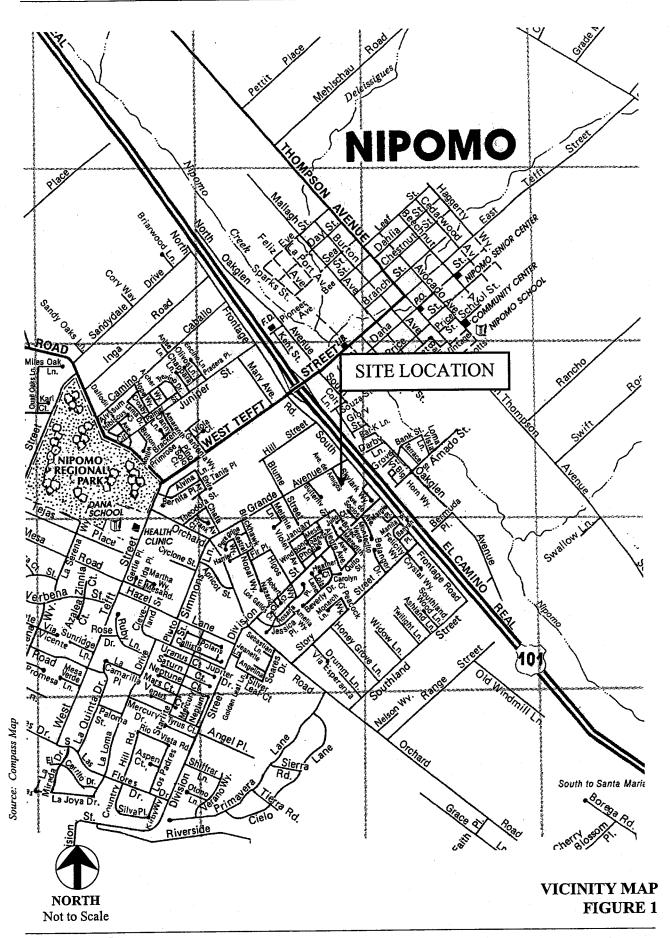
4. In the event that archaeological artifacts and or remains are discovered during construction related activities, all work on the site is to stop immediately, and a qualified archaeologist is to be contacted and retained on site. Work may not recommence until proper recording and disposition have been made by the archaeologist.

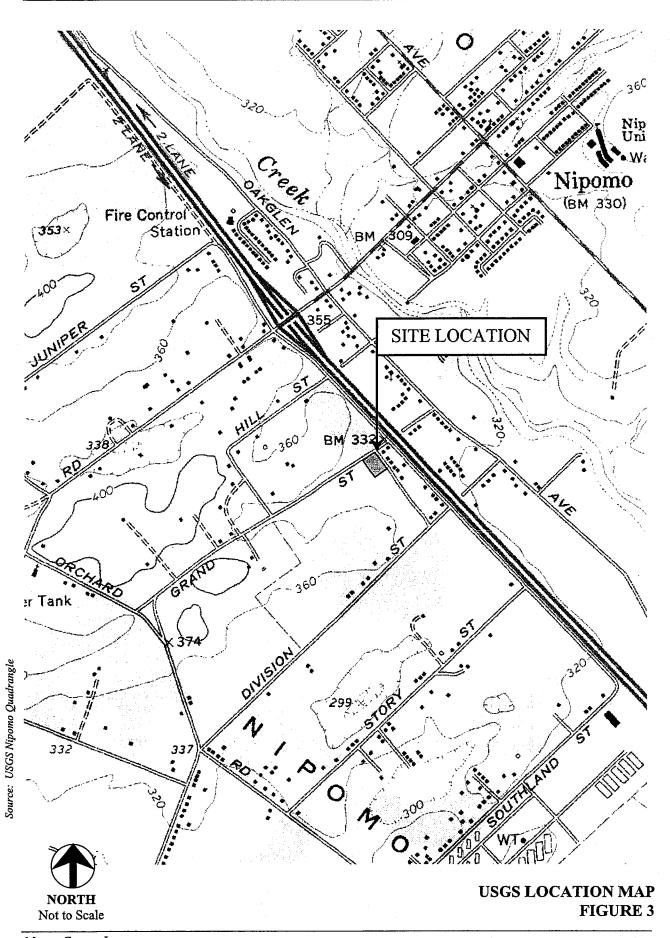
Monitoring: Compliance will be verified through documentation submitted to the Department of Planning and Building, by the applicant's retained archiecological recording and disposition have been made.

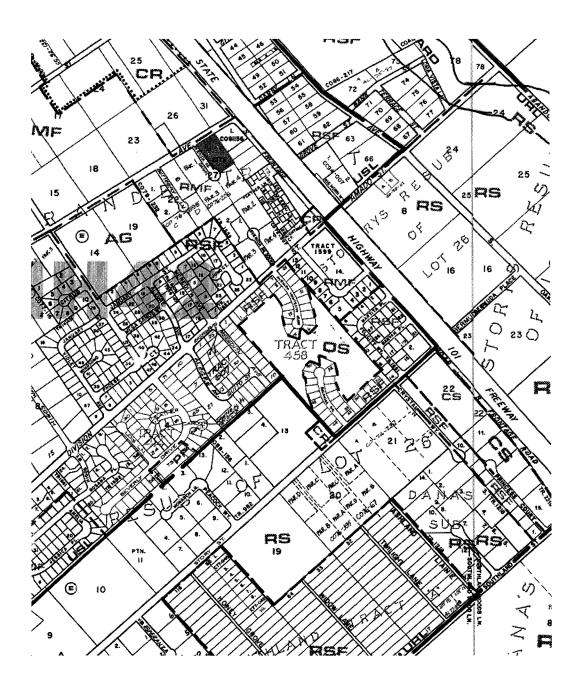
The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

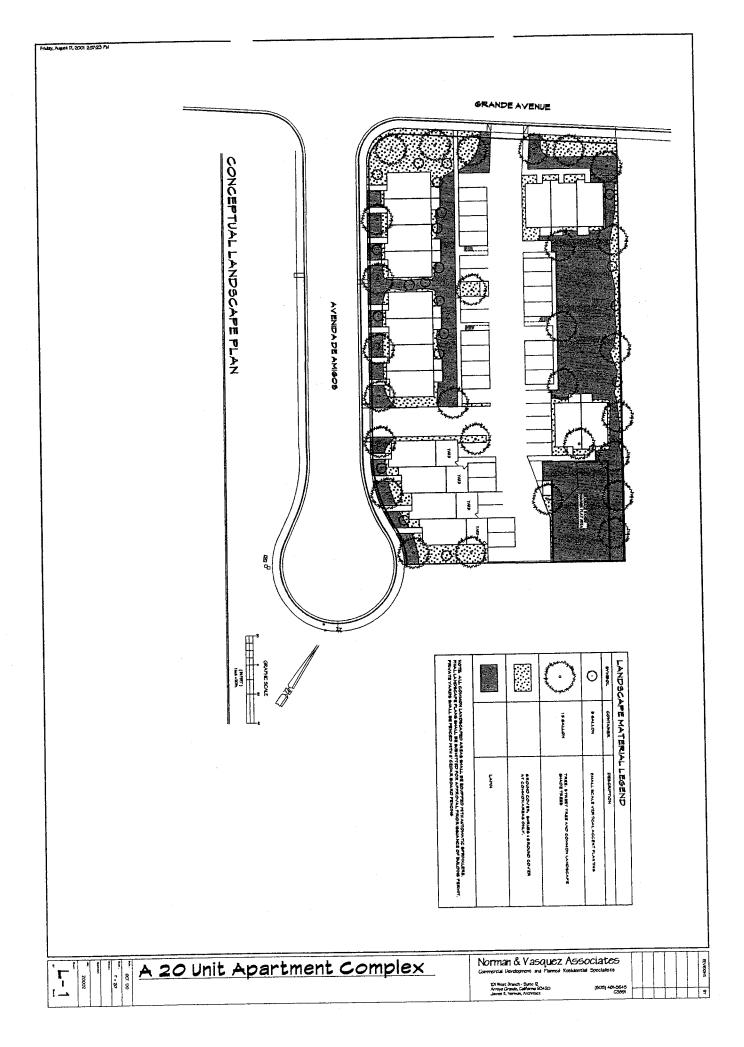
signature of Owner(s)

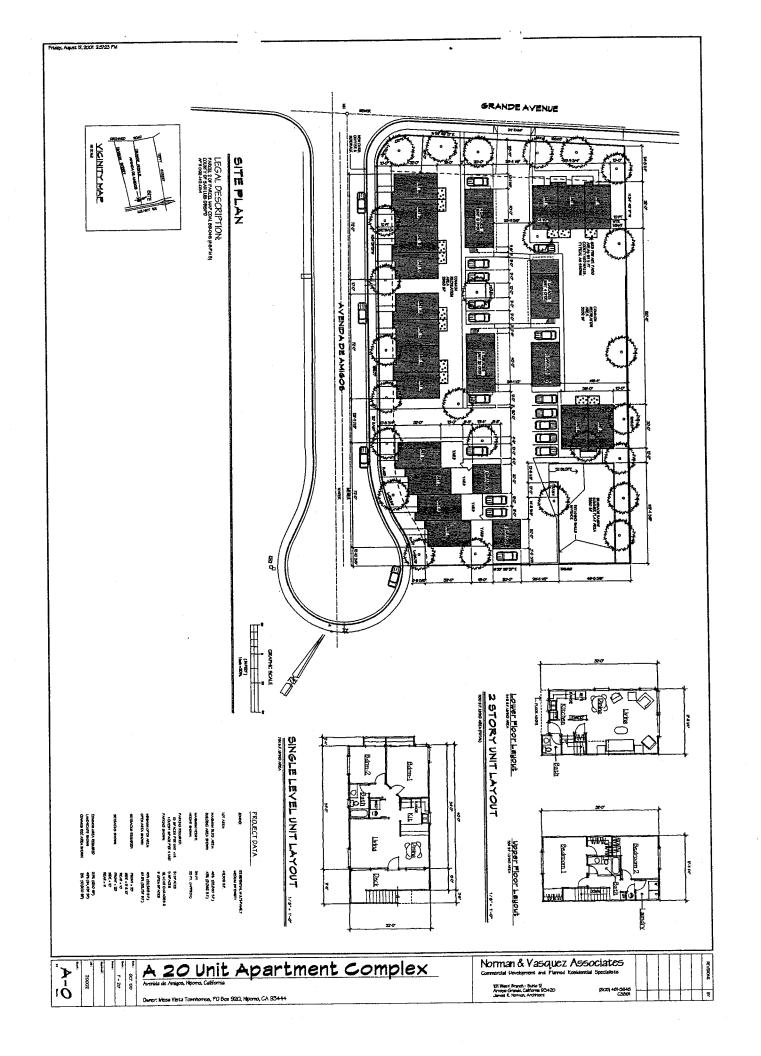
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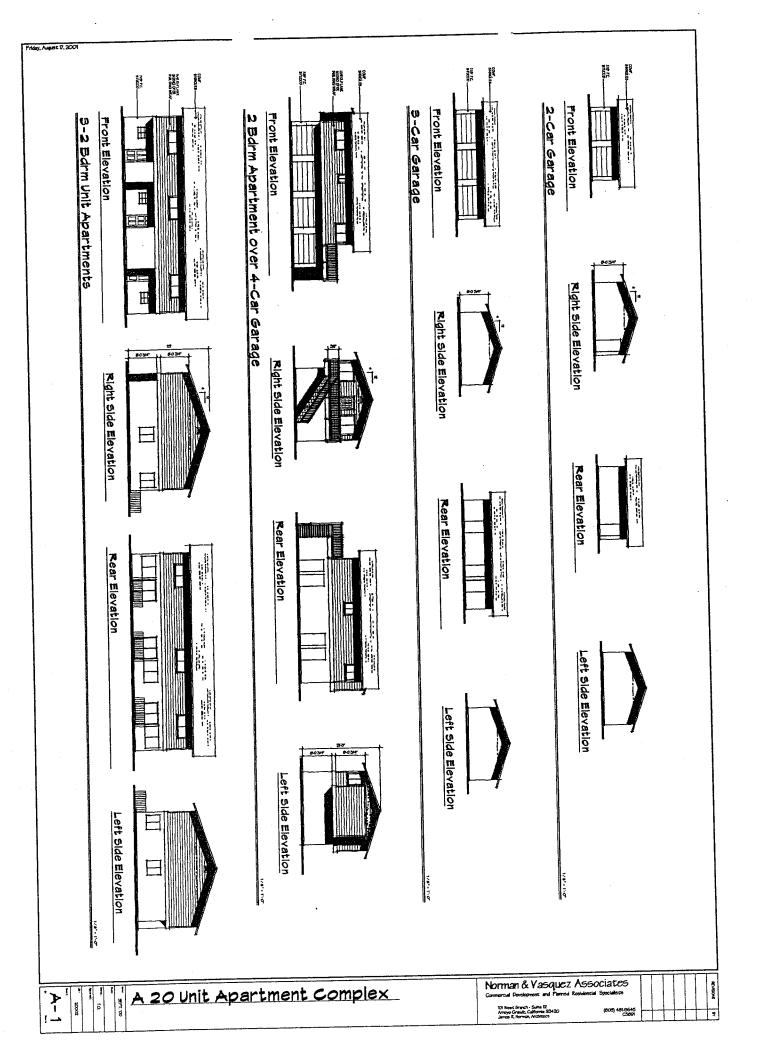


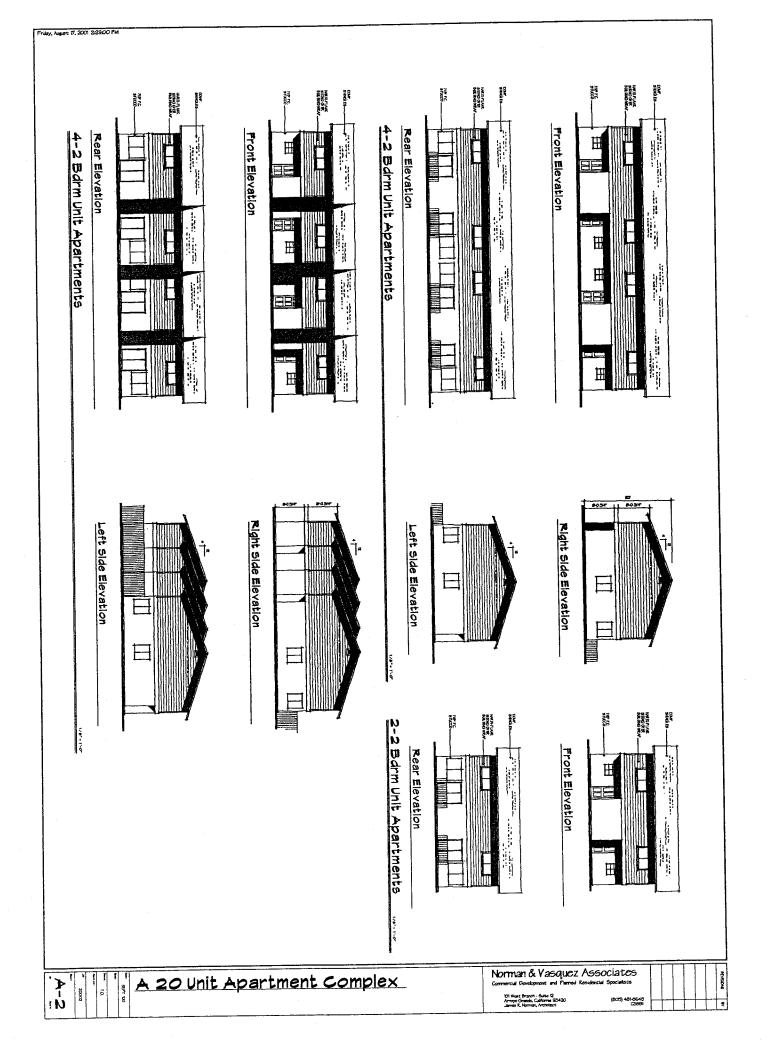












Source: Norman Vasquez Associates